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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,978	12/01/2003	Daniel Morellec	5284-26PCON	4936
7590	11/08/2004		EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE Suite 1210 551 Fifth Avenue New York, NY 10176			CONNELLY CUSHWA, MICHELLE R	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/725,978	MORELLEC ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michelle R. Connelly-Cushwa	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2 and 4-18 is/are rejected.  
 7) Claim(s) 3 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1203.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

The prior art documents submitted by applicant in the Information Disclosure Statement filed on December 1, 2003 have all been considered and made of record, except for those references lined through for which no copy was available for examination (note the attached copy of form PTO-1449).

***Drawings***

Six (6) sheets of formal drawings were filed on December 1, 2003 and have been accepted by the Examiner.

***Specification***

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 9-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claims 9, 12, 17-20; the claims recite the limitation "the device" in lines 3 and 10 of claim 9; in line 3 of claim 12; in lines 2, 6 and 10 of claim 17; in lines 2, 10 and 12 of claim 18; in lines 2, 6 and 10 of claim 19; and in lines 2, 10 and 12 of claim 20. There is insufficient antecedent basis for this limitation in the claims. Examiner suggests changing "the device" to —a device for connecting and disconnecting jumper fibers—in line 3 of claim 9 and in line 3 of claim 12 to overcome this rejection.

Regarding claim 9; the claim recites the limitations "said first fiber end" in line 6 and line 8 of the claim: for clarity, the Examiner suggests inserting —jumper—before "fiber end" for both occurrences. Additionally, the claim recites "a second fiber end" in line 11, line 13, and line 15: for clarity, the Examiner suggests inserting —jumper—before "fiber end" for each occurrence.

Regarding claim 11; the claim recites "the mass of jumper fibers in use" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the" to —a—to overcome this rejection.

Regarding claim 12; the claim recites "said fiber" in line 6; "said second fiber end" in line 8; and "a first end of the fiber" in line 10: for clarity, the Examiner suggests inserting —jumper—before "fiber" in each of these instances. Additionally, claim 12 recites "the mass of jumper fibers" in line 8. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the" to —a—to overcome this rejection.

Regarding claim 13; the claim concludes with a comma. Each claim must conclude with a period.

Regarding claim 17; the claim recites the limitations “the first direction” in line 2; “the second direction” in line 2; “the third direction” in line 3; “the working position” in line 4; “the holding member” in lines 4-5; “the slot” in line 7; “the retaining member” in line 8; and “the rest position” in line 12. There is insufficient antecedent basis for these limitations in the claim. Examiner suggests changing “the” to –a—in each instance referred to above to overcome this rejection. Additionally, claim 17 recites the limitation “said fiber end” in line 4, in line 7, and in line 9. This limitation is unclear because both first and second ends of a jumper fiber have been referred to. Examiner suggests amending the claim to insert either –the first jumper fiber end—or –the second jumper fiber end—for each instance referred to above to clearly define the invention and to overcome this rejection. Finally, claim 17 recites the limitation “it” in line 9 of the claim, which does not clearly and precisely define what is being claimed, especially given the generally long narrative form of the claims. Examiner suggests replacing “it” with the actual part intended to be referred to in order to overcome this rejection.

Regarding claim 18; the claim recites the limitations “the first direction” in line 2; “the second direction” in line 2; “the third direction” in line 3, “the working position” in line 4, “the holding member” in line 5; “said retaining member” in line 6; and “the pusher member” in line 8. There is insufficient antecedent basis for these limitations in the claim. Examiner suggests changing “the” or “said” to –a—in each instance referred to above to overcome this rejection. Additionally, claim 18 recites the limitations “said fiber end” in line 4, in line 7, in line 9, and in line 11. This limitation is unclear because both first and second ends of a jumper fiber have been referred to. Examiner suggests

amending the claim to insert either –the first jumper fiber end—or –the second jumper fiber end— for each instance referred to above to clearly define the invention and to overcome this rejection. Finally, claim 18 recites the limitation “the latter” in line 11 of the claim, which does not clearly and precisely define what is being claimed, especially given the generally long narrative form of the claims. Examiner suggests replacing “the latter” with the actual part intended to be referred to in order to overcome this rejection.

Regarding claim 19; the claim recites the limitations “the first direction” in line 2; “the second direction” in line 2; “the third direction” in line 3; “the working position” in line 4; “the holding member” in lines 4-5; “the slot in line 7; “the retaining member” in line 8; and “the rest position” in line 12. There is insufficient antecedent basis for these limitations in the claim. Examiner suggests changing “the” to –a—in each instance referred to above to overcome this rejection. Additionally, claim 19 recites the limitation “it” in line 9, which does not clearly and precisely define what is being claimed, especially given the generally long narrative form of the claims. Examiner suggests replacing “it” with the actual part intended to be referred to in order to overcome this rejection. Finally, claim 19 contains the limitation “said fiber end” in lines 4, 7, and 9 of the claim. This limitation is unclear because both first and second ends of a jumper fiber have been referred to. Examiner suggests amending the claim to insert either –the first jumper fiber end—or –the second jumper fiber end— for each instance referred to above to clearly define the invention and to overcome this rejection.

Regarding claim 20; the claim recites the limitations “the first direction” in line 2; “the second direction” in line 2; “the third direction” in line 3; “the working position” in line

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4; "the holding member" in line 5; "said retaining member" in line 6; and "the pusher member" in line 8. There is insufficient antecedent basis for these limitations in the claim. Examiner suggests changing "the" or "said" to -a—in each instance referred to above to overcome this rejection. Additionally, claim 20 recites "the latter" in line 11 of the claim, which does not clearly and precisely define what is being claimed, especially given the generally long narrative form of the claims. Examiner suggests replacing "the latter" with the actual part intended to be referred to in order to overcome this rejection. Finally, claim 20 contains the limitation "said fiber end" in lines 4, 7, 9 and 11 of the claim. This limitation is unclear because both first and second ends of a jumper fiber have been referred to. Examiner suggests amending the claim to insert either –the first jumper fiber end—or –the second jumper fiber end— for each instance referred to above to clearly define the invention and to overcome this rejection.

Regarding claims 10, 11 and 13-20; the claims inherently contain the deficiencies of any base or intervening claims from which they depend.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Applicant is requested to carefully review all of the claims to address each of the issues set forth above are addressed and to address any remaining informalities.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Laniepce et al. (US 6,157,766).**

Regarding claim 1; Figures 1-3 of Laniepce et al. disclose an optical fiber distribution frame (see Figure 1) including:

- a first cross-connection panel (R1) and a second cross-connection panel (R2) facing each other; and
- a first set of connection modules (5) belonging to the first cross-connection panel, and a second set of connection modules (5) belonging to the second cross-connection panel;
- each module of the first set being adapted to be connected to one end of an optical fiber (CF1) of a first group of fibers;
- each module of the second set being adapted to be connected to one end of an optical fiber (CF2) of a second group of fibers;
- an optical fiber of the first group being adapted to be connected to an optical fiber of the second group by a jumper fiber (FL) which has two ends (FL1 and FL2) respectively receiving in a port of one of the modules (5) of the first set and in a port of one of the modules (5) of the second set;

- wherein the first panel comprises at least one first connection module support (2) to which are mounted at least some of the first set of connection modules (5, see Figure 2);
- wherein the second panel comprises at least one first connection module support (2) to which are mounted at least some of the second set of modules (5);
- wherein the first and second panels each include a second connection module support (2); and
- wherein the second connection module supports (2) cooperate with each other to form a stowage area (B3), which is located in an area between and defined by the location of the second connection module supports for jumper fibers that are not in use (see column 8, lines 11-13).

Regarding claim 2; the connection module supports (2) face each other.

Regarding claim 4; the jumper fibers all have the same length.

Regarding claim 5; the first and second cross-connection panels (R1 and R2) each have first and second opposite side respectively extending in a first direction and a second direction, and the first and second connection module supports (2) of the first cross-connection panel and the first and second connection module supports (2) of the second cross-connection panel are adapted to rotate about a respective spindle (7) extending in the first direction so that each support (2) is adapted to be swung between a rest position (PR), in which the support (2) extends toward the exterior of the

distribution frame at an angle to the first direction, and a working position (PT) in which the support (2) extends in the second direction.

Regarding claim 6; each second connection module support is on one side of the associated cross-connection panel.

Regarding claim 7; the ends of each jumper fiber (FL) extend in a third direction.

**Claims 1, 2, 4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dietz, Jr. et al. (US 5,394,503).**

Regarding claim 1; Dietz, Jr. et al. discloses an optical fiber distribution frame (see Figures 1, 3 and 4) including:

- a first cross-connection panel (44.1) and a second cross-connection panel (44.6) facing each other; and
- a first set of connection modules (45) belonging to the first cross-connection panel, and a second set of connection modules (45) belonging to the second cross-connection panel;
- each module of the first set being adapted to be connected to one end of an optical fiber (40.1-40.7) of a first group of fibers;
- each module of the second set being adapted to be connected to one end of an optical fiber (42.1-42.7) of a second group of fibers;
- an optical fiber of the first group being adapted to be connected to an optical fiber of the second group by a jumper fiber (56.1-56.7) which has two ends respectively receiving in a port of one of the modules

(45) of the first set and in a port of one of the modules (45) of the second set;

- wherein the first panel comprises at least one first connection module support (79.1) to which are mounted at least some of the first set of connection modules;
- wherein the second panel comprises at least one first connection module support (79.1) to which are mounted at least some of the second set of modules;
- wherein the first and second panels each include a second connection module support (79.2); and
- wherein the second connection module supports (79.2) cooperate with each other to form a stowage area, which is located in an area between and defined by the location of the second connection module supports.

Regarding claim 2; the second connection module supports (79.2) face each other.

Regarding claim 4; the jumper fibers all have the same length.

Regarding claim 6; each second connection module support is on one side of the associated cross-connection panel.

Regarding claim 7; the ends of each jumper fiber extend in a third direction.

Regarding claim 8; test means are adapted to test remotely any optical fiber of the first group and/or any optical fiber of the second group continuously or in response to a reported fault (see column 10, line 65, through column 11, line 41).

***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art cited on attached form PTO-892 is the most relevant prior art known, however, the invention of claims 3 and 9-20 distinguishes over the prior art of record for the following reasons.

Regarding claim 3; the claim is allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious a distribution frame as defined in claim 3, wherein the jumper fibers not in use are connected in parallel to each other between the second connection modules support on the first panel and the second connection module support on the second panel, each jumper fiber being arranged directly above the preceding one as and when it is stowed in combination with the limitations of claim 1.

Regarding claims 9-11, 19 and 20; the claims are allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious a method of connecting a jumper fiber in a distribution frame as defined in claim 9, comprising the combination and order of steps defined in claim 9. Claims 10, 11, 19 and 20 depend from claim 9.

Regarding claims 12-20; the claims are allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious a method of disconnecting a jumper fiber in a distribution frame as defined in claim 12, comprising the combination and order of steps defined in claim 12. Claims 13-18 depend from claim 12.

Hence, there is no reason or motivation for one of ordinary skill in the art to use the prior art of record to make the invention of claims 3 and 9-20.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shindou et al. (JP 09-159840 A); Shindou et al. (JP 09-159841 A); Larson et al. (US 5,701,380 A); Szentesi et al. (US 6,044,193); Glynn (US 6,271,782 B1); Solheid et al. (US 6,760,531 B1); Solheid et al. (US 2002/0118943 A1); and Solheid et al. (US 2004/0146266 A1) each disclose fiber optic distribution frames wherein the first and second cross-connection panels do not face each other.

Any inquiry concerning the merits of this communication should be directed to Examiner Michelle R. Connelly-Cushwa at telephone number (571) 272-2345. The examiner can normally be reached 9:00 AM to 7:00 PM, Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general or clerical nature should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562.

*Michelle R. Connelly-Cushwa*  
Michelle R. Connelly-Cushwa  
Patent Examiner  
October 27, 2004